

Excerpts
Planning Commission Minutes
July 12, 2000

Application No. ZT-49-00, York County Board of Supervisors: Request to amend the York County Code, Chapter 24.1, Zoning, to require a special use permit for retail uses and shopping centers with 80,000 or more square feet of gross floor area.

Mr. Tim Cross presented a summary of the staff report dated July 3, 2000 which recommends approval through the adoption of Resolution PC00-14.

The members posed several questions. Mr. Cross explained that before recommending an 80,000 square foot threshold, staff had considered retail developments in the County similar to those proposed for regulation and further researched similar provisions around the state, most of which ranged between 70,000 and 80,000 square feet. Mr. Cross noted the positive impact of the proposed amendment allows the County to place conditions on the "big box" retailers it cannot otherwise impose, such as architectural details, signage, parking, and landscaping. Mr. Baldwin added that requiring a permit would give the County the option to deny the use. He said the traffic impact alone for such developments can overwhelm the road system or the surrounding development.

Mr. Heavner mentioned that some retailers may select localities where they are allowed by right rather than York County where a use permit would be required. Mr. Cross responded that such a possibility exists but that the County's need for revenue-generating development should be balanced against the County's need for quality development. Mr. Simasek said he believes the better developers would choose to go where standards are higher, in which case approval would encourage better development in the County.

The issue was raised about redeveloping existing centers or buildings that are in excess of 80,000 square feet and expanding existing retail sites to a total of 80,000 square feet or more, and use permits would be required under the terms of the proposed text amendment.

Mr. Simasek moved the adoption of Resolution PC00-14 and it was adopted by roll call vote of 6:0 (Mrs. White absent).

PC00-14

On motion of Mr. Simasek, which carried 6:0, the following resolution was adopted:

A RESOLUTION TO FORWARD APPLICATION NO. ZT-49-00 TO THE YORK COUNTY BOARD OF SUPERVISORS WITH A RECOMMENDATION OF ADOPTION TO AMEND THE YORK COUNTY ZONING ORDINANCE TO REQUIRE SPECIAL USE PERMITS FOR ALL RETAIL USES AND SHOPPING CENTERS WITH 80,000 OR MORE SQUARE FEET OF GROSS FLOOR AREA

WHEREAS, the York County Board of Supervisors has sponsored Application No. ZT-49-00 to amend the York County Zoning Ordinance to require special use permits for all retail uses and shopping centers with 80,000 or more square feet of gross floor area; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission, this the 12th day of July, 2000, that it does hereby forward Application No. ZT-49-00 to the York County Board of Supervisors with a recommendation of approval to amend Chapter 24.1, Zoning, of the York County Code. to read and provide as follows:

Sec. 24.1-306. Table of land uses.

| USES | RESIDENTIAL DISTRICTS | | | | | | COMMERCIAL AND INDUSTRIAL DISTRICTS | | | | | | |
|--|--------------------------------------|----|-----|-----|----|-----|-------------------------------------|----|----|-----|----|----|----|
| | RC | RR | R20 | R13 | R7 | RMF | NB | LB | GB | WCI | EO | IL | IG |
| | CATEGORY 10 - COMMERCIAL / RETAIL(1) | | | | | | | | | | | | |
| 1. Antiques/Reproductions, Art Gallery | | | | | | | P | P | P | P | P | | |
| 2. Wearing Apparel Store | | | | | | | P | P | P | | P | | |
| 3. Appliance Sales | | | | | | | | | P | | P | | |
| 4. Auction House | | | | | | | | P | P | | P | | |
| 5. Convenience Store | | | | | | | S | S | P | | P | P | |
| 6. Grocery Store | | | | | | | P | | P | | P | | |
| 7. Book, Magazine, Card Shop | | | | | | | P | P | P | | P | | |
| 8. Camera Shop, One-Hour Photo Service | | | | | | | P | P | P | | P | P | P |
| 9. Florist | | | | | | | P | P | P | | P | P | P |
| 10. Gifts, Souvenirs Shop | | | | | | | | P | P | | P | | |
| 11. Hardware, Paint Store | | | | | | | | P | P | | P | P | P |
| 12. Hobby, Craft Shop | | | | | | | | P | P | | P | | |
| 13. Household Furnishings, Furniture | | | | | | | | | P | | P | | |
| 14. Jewelry Store | | | | | | | | P | P | | P | | |
| 15. Lumberyard, Building Materials | | | | | | | | | S | | P | P | P |
| 16. Music, Records, Video Tapes | | | | | | | | P | P | | P | | |
| 17. Drug Store | | | | | | | S | S | P | | P | | |
| 18. Radio and TV Sales | | | | | | | | S | P | | P | | |
| 19. Sporting Goods Store | | | | | | | | P | P | | P | | |
| 20. Firearms Sales and Service | | | | | | | | S | S | | S | | |

| USES | RESIDENTIAL DISTRICTS | | | | | | COMMERCIAL AND INDUSTRIAL DISTRICTS | | | | | | |
|---|--------------------------------------|----|-----|-----|----|-----|-------------------------------------|----|----|-----|----|----|----|
| | RC | RR | R20 | R13 | R7 | RMF | NB | LB | GB | WCI | EO | IL | IG |
| | CATEGORY 10 - COMMERCIAL / RETAIL(1) | | | | | | | | | | | | |
| 21. Tobacco Store | | | | | | | | P | P | | P | | |
| 22. Toy Store | | | | | | | | S | P | | P | | |
| 23. Gourmet Items/Health Foods/Candy/ Specialty Foods/Bakery Shops | | | | | | | P | P | P | | P | | |
| 24. ABC Store | | | | | | | | P | P | | P | | |
| 25. Bait, Tackle/Marine Supplies Including Incidental Grocery Sales | | | | | | | | | P | P | P | S | S |
| 26. Office Equipment & Supplies | | | | | | | | P | P | | P | P | P |
| 27. Pet Store | | | | | | | S | P | P | | P | | |
| 28. Bike Store, Including Rental/Repair | | | | | | | P | P | P | | P | P | P |
| 29. Piece Goods, Sewing Supplies | | | | | | | P | P | P | | P | | |
| 30. Optical Goods, Health Aids or Appliances | | | | | | | | P | P | | P | P | P |
| 31. Fish, Seafood Store | | | | | | | | | P | P | P | | |
| 32. Department, Variety, Discount Store | | | | | | | | | P | | P | | |
| 33. Auto Parts, Accessories (new parts) | | | | | | | | P | P | | P | | |
| 34. Second Hand, Used Merchandise Retailers (household items, etc.) a) without outside display/ storage b) with outside display/storage | | | | | | | | P | P | | | P | |
| | | | | | | | | S | S | | | S | |
| 35. Storage shed and utility building sales/display | | | | | | | | | S | | | P | P |

(1) See Section 24.1-466(g) for special provisions applicable to developments with 80,000 or more square feet of gross floor area.

| USES | RESIDENTIAL DISTRICTS | | | | | | COMMERCIAL AND INDUSTRIAL DISTRICTS | | | | | | |
|---|--|----|-----|-----|----|-----|-------------------------------------|----|----|-----|----|----|----|
| | RC | RR | R20 | R13 | R7 | RMF | NB | LB | GB | WCI | EO | IL | IG |
| | CATEGORY 13 - SHOPPING CENTERS / BUSINESS PARKS(1) | | | | | | | | | | | | |
| 1. Neighborhood Shopping Center | | | | | | | P | P | P | | P | | |
| 2. Community or Regional Shopping Center | | | | | | | | | P | | P | | |
| 3. Specialty Shopping Center | | | | | | | | S | P | | P | | |
| 4. Office Park | | | | | | | | P | P | | P | P | P |
| 5. Industrial Park | | | | | | | | | | | P | P | P |

(1) See Section 24.1-481(a)(3) for special provisions applicable to shopping centers with 80,000 or more square feet of gross floor area.

DIVISION 9. COMMERCIAL AND RETAIL USES (CATEGORY 10)

Sec. 24.1-466. Standards for all commercial and retail uses.

- (a) All off-street parking and loading space for all commercial and retail uses shall be located not less than twenty-five feet (25') [7.5m] from any residential property line and shall be effectively screened from view from adjacent residential properties by landscaping, supplemented, as necessary, with appropriate fencing materials.
- (b) When located in or adjacent to a residential area, the external appearance and arrangement of such facility shall be of a form, character, appearance and arrangement fully compatible with the residential area.
- (c) Outdoor lighting shall be sufficient to protect public safety; however, it shall be directed away from property lines and rights-of way and shall not cast unreasonable or objectionable glare on adjacent properties and streets.
- (d) Outdoor speaker or paging systems shall be directed away from property lines and shall not be audible on adjacent properties or rights-of-way.
- (e) Appropriate and adequate facilities for accommodating bicycle parking and other alternative transportation modes shall be provided which are safe, secure, and convenient.
- (f) The minimum setback for structures such as fuel dispensing pumps, pump islands, canopies, customer service kiosks, and similar uses shall be forty feet (40') [12m] unless the district in which the use is located allows a lesser setback for the principal structure.
- (g) For retail uses otherwise permitted as a matter of right under the provisions of Section 24.1-306, a special use permit shall be required for any proposed development having 80,000 or more square feet of gross floor area.

DIVISION 12. SHOPPING CENTER AND BUSINESS PARKS (CATEGORY 13)

Sec. 24.1-481. Standards for shopping centers.

Shopping centers shall comply with the following performance standards:

- (a) *Area requirements.* The minimum area required for the development of the various types of shopping centers, as defined in section 24.1-104, shall be as follows:
 - (1) Neighborhood Center - forty thousand (40,000) square feet [1200m²]
 - (2) Community and Specialty Centers - three (3) acres [1.5ha]
 - (3) For shopping centers otherwise permitted as a matter of right under the provisions of Section 24.1-306, a special use permit shall be required for any proposed development having 80,000 or more square feet of gross floor area.
